

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GLEN COBB, et al.,

Defendants.

Case No. 2:14-cr-00194-APG-NJK

ORDER DENYING MOTION
FOR DISCOVERY AND FAVORABLE
EVIDENCE

(Docket No. 40)

Pending before the Court is the motion for discovery and favorable evidence filed by Defendants Glen Cobb, Charles Cobb, Anna Cobb and Monica Namnard. Docket No. 40. The Court has considered Defendants' motion, the United States' response, Defendants' reply, and the United States' sur-reply.¹ Docket Nos. 40, 72, 84, 89. For the reasons discussed below, the Court hereby **DENIES** the motion for discovery and favorable evidence.

On July 11, 2014, Defendants filed their motion for discovery of favorable evidence, which Defendants filed in writing in order to preserve their rights. Docket No. 40, at 1-2. Defendants ask the Court to order the United States to provide 27 separate categories of discovery, as well as all evidence favorable to Defendants that is either in the United States' possession, or obtainable by the United States.

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The United States requests leave of court to file its sur-reply to address allegations regarding the status of discovery made by Defendants in their reply. Docket No. 89, at 2. The Court grants leave and allows the filing of the sur-reply.

1 *Id.*, at 2-6. On July 25, 2014, after conferring with Defendants' counsel, the United States filed its
2 Disclosure Statement, which sets forth the United States' position regarding discovery it agrees to provide.
3 Docket No. 61.

4 On July 28, 2014, the United States responded to Defendants' motion for discovery and favorable
5 evidence. Docket No. 72. The United States represents that it has agreed to timely produce all material
6 required under Fed.R.Crim.P. 16; *Brady v. Maryland*, 373 U.S. 83 (1963); *Giglio v. United States*, 405
7 U.S. 150 (1972); and 18 U.S.C. § 3500. The United States further represents that it has already produced
8 all of the material in its possession, including 22 specific categories of discovery material. *Id.*, at 2-3. The
9 United States further represents that it recognizes its continuing obligation with regard to the production
10 of evidence favorable to Defendants. *Id.*, at 3.

11 On August 4, 2014, Defendants replied to the United States' response. Docket No. 84. In their
12 reply, they submit ten different specific items that they claim the United States has failed to produce. *Id.*,
13 at 2. Defendants point out that, since they have not received any of the listed items, they have not been
14 able to obtain any exculpatory information that may be contained within them. *Id.* In sur-reply, the United
15 States submits that the listed items have, in fact, been produced to Defendants, and lists the dates on which
16 each item was produced or made available. Docket No. 89, at 2-4. The United States further submits that,
17 at this time, it does not intend to use any of those specific items at trial. *Id.*, at 4. The Court finds that
18 the United States has complied with its discovery obligations.

19 Accordingly,

20 Defendants' motion for discovery and favorable evidence, Docket No. 40, is hereby **DENIED**.

21 IT IS SO ORDERED.

22 DATED: August 6, 2014.

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NANCY J. KOPPE
United States Magistrate Judge
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